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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,167	11/13/2003	Ian K. Engelman	0316US-Engelman	8214
23521	7590	05/08/2006	EXAMINER	
SALTAMAR INNOVATIONS 30 FERN LANE SOUTH PORTLAND, ME 04106			SUTTON, ANDREW W	
			ART UNIT	PAPER NUMBER
			3765	

DATE MAILED: 05/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/712,167

Applicant(s)

ENGELMAN, IAN K.

Examiner

Andrew W. Sutton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 24-27 is/are allowed.
- 6) ☒ Claim(s) 1,9-11,13,17,21 and 22 is/are rejected.
- 7) ☒ Claim(s) 2-8,12,14-16,19,20 and 23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by McKenty (US 396,411). McKenty illustrates in Fig. 3 a shoe horn having a generally U shaped body as shown at C having an external H and internal C portion (Fig. 4), said external portion H being spaced apart from internal portion C as shown in Fig. 2, said body constructed to permit its placement on the rear part of a shoe so that the internal portion C lies within the shoe and the external portion H lies outside the shoe, with a rear portion of the shoe protruding in-between as shown in Fig. 4, the body having a rear region H and two side (top) extensions (J, K) having a prehensile finger grip.

As to claim 9, McKenty states on line 9 of column 1 that the device is durable in construction.

As to claim 10, McKenty illustrates in Fig. 2 the rear portion H is forwardly biased with grips I.

As to claim 11, McKenty illustrates in Fig. 1 an opening E that could be used to put a string through.

Claims 13, 17 and 21-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Wells (US 2002/0066213). Wells illustrates in Fig. 1 a shoehorn 8 with a

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generally u shaped body, having an external portion 2a and an internal portion 14 where the placement of the device is on the rear of the shoe. The rear wall of the shoe protrudes between the internal portion 14 and the external portion 2a in the horizontal direction. The body has a rear region and two side extensions 10 as shown in Fig. 4, with forward edges of the extensions comprising a grip enhancer 13.

As to claim 17, Wells states the strip 13 is an adhesive layer, which would inherently increase the friction.

As to claim 18, Wells illustrates in Fig. 8 the forward edges are outwardly biased.

As to claim 21, Wells states in paragraph 42 that the device can be made of plastic.

As to claim 22, Wells illustrates in Fig. 8 the internal rear region is forwardly biased.

Allowable Subject Matter

Claims 24-27 are allowed.

Claims 2-8, 12, 14-16, 19-20, and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: Claim 24 teaches a shoehorn comprising side extensions comprising finger grips coupled to the top portion and the side extensions having grip enhancement for enhancing for holding the device within the shoe not shown in the art.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Maguire (US 6,698,630), Engelman (US 5,655,693), and Zoll (US 1,523,850) teach the state of the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew W. Sutton whose telephone number is (571) 272-6093. The examiner can normally be reached on Monday - Friday 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J. Calvert can be reached on (571) 272-4983. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AWS
5/1/06


JOHN J. CALVERT
SUPERVISORY PATENT EXAMINER
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